#### MINUTES – JUNE 18, 2012

The Caswell County Board of Commissioners met in regular session at the Historic Courthouse in Yanceyville, North Carolina at 6:30 p.m. on Monday, June 18, 2012. Members present: Nathaniel Hall, Chairman, Cathy W. Lucas, Vice-Chair, William E. Carter, Jeremiah Jefferies, Gordon G. Satterfield, Kenneth D. Travis and N. Kent Williamson. Also present: Kevin B. Howard, County Manager, Brian Ferrell, County Attorney, and Angela Evans representing <u>The Caswell Messenger</u>. Paula P. Seamster, Clerk to the Board, recorded the minutes.

## **MOMENT OF SILENT PRAYER**

Chairman Hall opened the meeting with a Moment of Silent Prayer.

#### PLEDGE OF ALLEGIANCE

Chairman Hall asked the Board of Commissioners and the citizens present to stand for the Pledge of Allegiance.

#### APPROVAL OF AGENDA

Commissioner Travis moved, seconded by Commissioner Jefferies to approve the agenda. The motion carried unanimously.

## APPROVAL OF CONSENT AGENDA

Commissioner Jefferies moved, seconded by Commissioner Travis to approve the Consent Agenda.

Commissioner Lucas asked "Item E Project Ordinance Amendment for Pelham Water Tank, does that complete the project totally?" Mr. Howard responded "What that budget amendment does is we had not included all the funding for it so that is basically getting the funding like you saw it the last time we discussed showing all the grant funding and all the expenses showing for the project that we talked about doing including the water and sewer and the water upgrades." Commissioner Lucas continued "What is going to be leftover in that fund?" Mr. Howard responded "When we finish there should be nothing left." Commissioner Lucas asked "So the actually water tank project is complete?" Mr. Howard responded "That part is complete, yes ma'am." Commissioner Lucas asked "Did we receive any funding from Duke Power that you are aware of?" Mr. Howard responded "No ma'am." Commissioner Lucas continued "Cost settlement money?" Mr. Howard responded "Not for that project." Commissioner Lucas stated "I know it was applied for. It was \$50,000." Mr. Howard responded "We did not for that project, no ma'am."

Upon a vote of the motion, the motion carried unanimously.

The following items were included on the Consent Agenda:

- A. Approval of Minutes of May 29, 2012 Special Meeting
- B. Approval of Minutes of June 4, 2012 Regular Meeting
- C. Approval of Closed Session Minutes of November 21, 2011, December 5, 2011, December 14, 2011, December 19, 2011 (1), December 19, 2011 (2), January 3, 2012, January 17, 2012, February 6, 2012, March 5, 2012 and May 7, 2012.
- D. Budget Amendment #9
- E. Project Ordinance Amendment for Pelham Water Tank

## PUBLIC COMMENTS

Chairman Hall opened the floor for public comments. With no public comments Chairman Hall declared Public Comments as closed.

# PRESENTATION OF VIETNAM CASUALTY'S FRAME W/PICTURES FROM THE VETERANS OF FOREIGN WARS POST 7316

Commander Fred Smith came before the Board and made the following statement:

"Thank you all for allowing us here tonight. I am Fred Smith Commander of Veterans of Foreign Wars Post 7316 here in Caswell County. Our Post of Veterans that served in a combat area in a war ranging from WWII to the war on terrorism was chartered May 21, 1946.

Back in February a question I asked turned into 6 of our Veterans from Caswell County that lost their lives in Vietnam be recognized and their families honored and thanked for their loss. Tonight this project somewhat comes to an end. I thought as many of our Vietnam Veterans here in Caswell that these Veterans should be recognized.

On March 19 you the Caswell County Commissioners gave a proclamation to each family, all Veterans thank you all for that. Also on March 19<sup>th</sup> you all welcomed home all Vietnam Veterans and we thank you for that also. And on March 31<sup>st</sup> North Carolina welcomed us all home in Charlotte, it took more than 40 years but we are thankful for that also. On Memorial Day May 28<sup>th</sup> these 6 Veterans were the main focal point, about 175 attended the ceremony and heard a Vietnam Veteran from this county Larry Stogner give the speech.

At the Memorial Day ceremony we had on display some individual pictures of the 6 Veterans'; they have been given to the families of the Veteran. We also had a large framed picture with their pictures and the rubs of their name from the Vietnam Wall on display. This framed display was put together by my wife Sallie.

Tonight Veterans of Foreign War Post 7316 would like to give this frame to the citizens of Caswell County. We are requesting that it be hung in this Old Historic Courthouse permanently. We think the appropriate place is near the American Flag in the hallway near the County Manager's office.

If in the future it has to be removed for any reason it should be donated to the Caswell County Historical Museum for their safe keeping.

We as Veterans of VFW Post 7316 think this is a way to keep their memory alive. There were more than 58,000 lives lost in Vietnam, of that we as citizens of Caswell County lost 6 in the war, long live their memory and may they never be forgotten. Thank you."

Commander Fred Smith presented the plaque to the Board of Commissioners and the Caswell County citizens.

Chairman Hall stated "Thank you Mr. Smith and other member of VFW Post 7316 for all that you do and for all that you have done."

Commissioner Travis moved, seconded by Commissioner Jefferies to honor the request from the VFW Post 7316. The motion carried unanimously.

# DISCUSSION OF BEE KEEPERS ASSOCIATION'S REQUEST

Mr. Mike Stanley came before the Board and made the following statement:

"We have talked with everyone involved in the planting and upkeep of the Arboretum, Yancey Smith included. We request to place a couple of beehives in the back left corner. This accomplishes a couple of things. The honey bee situation in this country is in a dire situation. Our need for education is very high for honey bees. By putting these bee hives back there we can start some education processes which have not been available in this county. We have a bee association with 76 members. I, myself, have maybe 750,000 bees in 15 hives. There was a little bit of a concern about if bees sting people. You have enough of them up here in the eaves to kind of answer that question, no they don't. The education part is really becoming serious because of the lack of honey bees in this country, we have lost over 30% worldwide including in this nation. The African bees are in parts of the southern United States and they are working their way up. Your bee keepers are really our first line of defense. We will find out first if our bees are becoming aggressive. If so, we will get rid of them. The state is working with all the bee keepers in the state to affect this situation. It is going to happen and we are going to have to do some more fighting but hopefully we can keep abreast of it. We have already started our education process with our bee association and we have put in the Library a brand new case that will be, no fund intended, that will be filled with bee information several times out of the year. Other times of the year there will be other informational displays in there which will have nothing to do with us. I want to pass a couple of pictures around. The first one is a picture of a young lady who is covered with bees. I would not want to do this but she is not too worried about it or either she is crazy. The next two pictures are really very typical of how we work on our bees w/t-shirts and hats. None of the big white headgear and everything that you would believe is totally necessary. Bees do not want to sting us. 90% of the bee stings in this country come from yellow jackets. I think they must love to sting us. I don't know what makes them so aggravated. A honey bee will sting and he will die. A yellow jacket, wasp, hornet will stings us multiple times and they don't seem to care. If we get close to them they go ahead and sting us.

When we work with our bees we know that we are very safe with these things. I stick my hands down in ten to twenty thousand bees all the time. Sometimes they are all over me and I have pictures of that too but I say go away I am doing something here but that is basically it. Out of 2 years worth of work with 15 hives I have been stung once and that was because my dog ran beside the beehive and they don't like the smell of hair too much. They thought it was a predator coming to hurt them so one jumped out and I was the recipient. It would not have bothered the dog. Bees are not dangerous. I have a picture of a beehive that will be similar to what we will put at the back of the Arboretum. In fact the person who wants to put these bees back here with us her husband is allergic to bees and yet I have seen him capture honey bees in their house and put them in a jar and carry them out. With a little education we can learn that this is not our enemy. If we don't increase the number of honey bees in this county and if we are not successful in this we are going to be eating corn, wheat and a few other products that self-pollinated and that is it. We really have to educate. We have to take care of our resources and you know how that is. This is part of the start. It is out of the way. It is not going to bother anybody if they were to walk all the way around the Arboretum. Hopefully we can use this in the future for continued education and awareness of what this is all about. Any questions?"

Chairman Hall asked "So what you are saying is they are pretty much trained to leave us alone?" Mr. Stanley responded "Yes. The bees will be maintained by us and not allowed to get ugly looking or anything. It is like cattle you just can't leave them out there with the fence down. We have to maintain these. Year after year we will have education things right down here."

Commissioner Lucas asked "Is there any way to collect the bees from here?" Mr. Stanley responded "Yes and no. I have captured three swarms with my white gear on because I wanted to be safe. The bees were all over me and I was all over them hanging in a tree. I was shaking them down in a box. Once a honey bee has established an existence in an area for any length of time the smell is there. It is extremely hard to eradicate. You can tear part of the back of the building off and replace it. You have to remove everything that the bees smell. All the old wax that is attached to the supports out there. You can kill them just go out and kill them but other bees are going to smell this and they will come right back every year. It is quite a task. My alternative would be maybe to study how they are continuing in this area and learn to work with them right now with the prospects at some time finding a suitable inexpensive way to get them. Usually when they settle in and have there as long as these have been they are there for a long time unfortunately. We work with NC State and other associations so maybe we can find a way but I don't know of one right now."

Commissioner Jefferies moved, seconded by Commissioner Travis to approve the Bee Keepers Association to put a couple of beehives in the back left corner of the Arboretum.

Mr. Ferrell stated "Mr. Chairman since the Arboretum is county property if I understand correctly there will be some ongoing maintenance of the hives and going across county property I would recommend in conjunction with this approval tonight that you authorize me to draft a very short license agreement that authorizes the association or whoever is going to be the primary keeper of these hives to come on county property to do what they need to do."

Upon a vote of the motion, the motion carried unanimously.

## BOARD OF ELECTIONS MAINTENANCE AGREEMENT FOR VOTING EQUIPMENT

Ms. Terri Young, Interim Elections Director, stated "I am here to answer more questions I am not really sure." Chairman Hall responded "We had asked our general counsel to review this thing and I think he is prepared to put his name on here."

Mr. Ferrell stated "During the last meeting when Ms. Young brought this item before you I told the Board and I had a few issues I would like to work through with the vendor and the good news is the vendor was receptive to the vast majority of the comments that I had and the revisions that I proposed to the agreement. Your packet does not contain it because we got the comments back I believe last Friday from the vendor. I can certainly go line by line through each one that we have reached agreement upon but I am satisfied with the vendor's response to my comments. I will point out as we discussed in the last meeting you have options for a 1 year, 3 year and 5 year renewal term for this contract and one piece that I was unable to get them to agree to remove is the notion that should we agree to a longer than 1 year term and terminate it prior to the natural expiration, say the third year if we agreed to it, they are going to want the difference between the discount they offered for the long term agreement and the one year price back. They still want that. The other piece I would like to point out is the legislature in their budget process is proposing a notion that, this agreement is a state requirement, we have to have a warranty agreement on the voting machines by state law so that is why you have this in front of you. In a proposal that has not been finalized is a notion that these vendors must train some member of county staff to become a warranty authorized service provider of the maintenance so instead of being locked into a long term maintenance contract they would over some period of time train a county staff member to provide the maintenance and that member of the county staff could provide this service without voiding the warranty that is provided with the machines. To my knowledge that have not become law yet. I tried to get the vendor to right that in ahead of schedule, ahead of the law but they were not willing to do that at present. What we do have though is if you go with a one year deal, there are no automatic renewals, it will be revisited at your leisure every year unless you agree to a longer term to the extent that this becomes law in the future we will keep that in focus for the next version of the agreement. With that I will say the vendor was responsive to the vast majority of my comments and I am comfortable with the legal provisions in the agreement."

Chairman Hall asked "So do we need to put this on the next agenda so everybody will have a chance to read it?" Mr. Ferrell responded "I think that would make complete sense except for a provision of state law that requires us to have a maintenance agreement in place by the end of the month. Are you going to meet again for your budget purposes prior to the end of this month? What I would suggest is we get this out to the commissioners in short order tomorrow so you can have it and you can take a look at this during your budget approval because it is supposed to be in place by the fiscal year." Chairman Hall responded "Okay we will look at it on Wednesday."

APPROVAL OF SOLID WASTE COLLECTION, TRANSPORTATION AND DISPOSAL PROPOSAL

Mr. Howard stated "We sent out 9 proposals and received 2 back. One from First Piedmont, our current provider, and one from Republic Services. First Piedmont's proposal was for \$462,371.13 and Republic Services' was \$559,485.96. We recommend the approval of First Piedmont's proposal and First Piedmont is in line with what we have in the current year's budget."

Commissioner Jefferies moved, seconded by Commissioner Williamson to accept First Piedmont's proposal for \$462,371.13.

Commissioner Satterfield asked "What is the length of this contract?" Mr. Howard responded "Three years. Historically that is what we have done, a three year contract."

Commissioner Lucas asked "So the contract has been reviewed, is that correct?" Mr. Howard responded "No ma'am, we were trying to have that by tonight but First Piedmont has had some personnel changes so they were doing to review the existing contract that we have and I was going to bring that back to you during one of the budget workshops as well." Commissioner Lucas stated "I would be in favor of tabling this until the next meeting." Mr. Howard responded 'You can approve the proposal and I can bring a contract back to you. I was hoping to have it today but we don't have anything yet and it may not be ready for Wednesday."

Chairman Hall stated "If we accept the proposal we will still have the general counsel to review that." Mr. Ferrell responded "That is correct and it is consistent with your policy to look at their proposal. Accept a low bid and then we come back to you with the actual contract implementing the bid. It is typical of your existing process."

Commissioner Lucas stated "It is atypical of how it was when I was here from 2000-2004. We had copies of the actual proposal and final contract to be able to review that is why I asked the question. Before we do any approval on amounts we need to see the final contract." Mr. Ferrell responded "If that is how the Board wants to proceed we will have to make sure that in all of our proposals going out we specify we need your contract as part of your bid package to review along with the proposals which is not a bad idea."

Chairman Hall asked "If we say that we accept the low bid and review the contract later what impact would that have?" Mr. Ferrell responded "I think what you could do is accept the bids subject to final terms such that if the county was unable to reach final terms with a vendor on a contract essentially you would have that contingency built in to your approval tonight. I think that would be a way to proceed with that. Of course, you can do it all at once as well. The process that Ms. Lucas is outlining is something that works."

Commissioner Travis asked "Can we wait until the next meeting to do this?" Mr. Howard responded "Yes we can wait until the first meeting in July."

Commissioner Jefferies asked "Why do we have to wait?" Chairman Hall responded "Because general counsel has not seen the contract." Commissioner Jefferies continued "Okay I will withdraw my motion." Commissioner Williamson stated "It is not hurting anything to go ahead and get this thing out of the way and then the only thing we have to do is approve the contract."

Commissioner Jefferies stated "We put the bid out and we only had 2 to come back." Chairman Hall stated "I don't have a problem either way but we need to see how this Board wants to proceed." Commissioner Lucas stated "I just recall that there were questions within the contract in prior years that raised questions that needed to be answered and I would just feel more comfortable seeing the contract." Mr. Howard responded "The reason we don't have a contract is that there have been changes in the staff at First Piedmont. They could not find our current contract so I had to send them the contract due to changes in staff." Commissioner Williamson stated "It is just a motion to accept the lowest bid. If the contract comes back and we don't agree we can then go to the next bid." Chairman Hall responded "I don't think it is necessary to go to the next bid." Mr. Ferrell added "I think that the concern that I hear Ms. Lucas expressing is there may be some key terms that, and this often with vendors, become an issue that might prevent contract formation and one way to move forward tonight and to address that is to say we are going to approve this low bid contingent upon agreement upon mutually acceptable contract terms. That makes this clear that this proposal is totally contingent upon a mutually executed agreement that will be before you whenever the vendor is ready to present us one. This moves the ball forward and lets them know that they are the low bidder and that it is subject to contract negotiation and approval but it makes clear that the county if we are unable to come to terms the county has the ability to go back and rebid and get new proposals or whatever it wants to do going forward. If Mr. Jefferies wants to accept that friendly amendment and the Board wants to proceed that is one way to do it." Commissioner Williamson stated "To move on I will remove my second." Commissioner Jefferies removed this motion.

Chairman Hall asked "Is there any action the Board would like to take tonight? Okay with no action we will move on."

# DISCUSSION ON SUPPORTING A URANIUM MINING STUDY

Chairman Hall stated "The County Manager received an email from Virginia and a copy of a resolution approved and signed by Person County and someone else as it relates to uranium mining." Mr. Howard added "There have been 5 or 6 approved in North Carolina those folks who are affected by the Roanoke River." Chairman Hall continued "The bid concern at least in Virginia and other area on the river is that if uranium mining is allowed it could contaminate the water. So they are asking for a resolution from this Board to do a study on uranium mining."

Commissioner Williamson stated "Due to my day time job I would like to remove myself from any discussion or any voting on this issue." Mr. Ferrell stated "The Board will have to vote on his refusal. Commissioner Williamson can you speak a little bit, do you benefit from the study or from the mining itself. Can you help the Board understand if there is a financial conflict in your participation which is one of the few reasons a commissioner can abstain from voting." Commissioner Williamson responded "Being an employee of Duke Energy which uses uranium in the nuclear plants that is my reason for abstaining from any action." Mr. Ferrell asked "Do you have any contracts yourself with any uranium mining operation? Would you compensation be affected one way or another with Duke Energy if this resolution passes? I don't mean to single you out asking these tough questions but there are only a few instances that statutes allow a commissioner to abstain and I am just trying to help the Board understand what those circumstances may be." Commissioner Williamson responded "No, I don't have any direct

contracts with the uranium mining in that sense. It is just that the company I work for uses that and I did not want it to be a conflict of interest." Mr. Ferrell stated "My view as it sits I don't see a statutory conflict of interest. I certainly understand your position with your employer but I don't see a direct financial conflict that would give the county a problem if Mr. Williamson was able to participate given the limited statutory reasons for abstaining. I certainly think the disclosure is helpful to the public."

Chairman Hall stated "This resolution came from Virginia and what I think they are looking for is moral support from North Carolina."

No action was taken by the Board.

# APPOINTMENTS TO BOARDS AND COMMISSIONS Agricultural Advisory Board

Commissioner Travis moved, seconded by Commissioner Jefferies to appoint Donald Shaw to the Agricultural Advisory Board. The motion carried unanimously.

#### Board of Health

Commissioner Lucas moved, seconded by Commissioner Travis to appoint Elin Armeau-Claggett and Cathia Stewart to the Board of Health. The motion carried unanimously.

## Caswell County Joint Home/Adult Care Home Advisory Committee

Commissioner Jefferies moved, seconded by Commissioner Travis to appoint Dorothy McCain to the Caswell County Joint Home/Adult Care Home Advisory Committee. The motion carried unanimously.

#### Farmer Lake Board

Commissioner Carter moved, seconded by Commissioner Travis to appoint Brandi Mathis to the Farmer Lake Board. The motion carried unanimously.

#### Juvenile Crime Prevention Council

Commissioner Jefferies moved, seconded by Commissioner Travis to appoint Tonya Pegg and Dorothy McCain to the Juvenile Crime Prevention Council. The motion carried unanimously.

## Person-Caswell Lake Authority

Commissioner Jefferies moved, seconded by Commissioner Williamson to appoint Josh Atwater to the Person-Caswell Lake Authority. The motion carried unanimously.

## Planning Committee for Services to the Elderly

Commissioner Carter moved, seconded by Commissioner Travis to appoint Alvera Lipscomb, Edith Gentry, Shirley Deal, Brenda Long, Jean Vernon, George Woods, Patricia Thompson, Dorothy McCain, and Cathia Stewart to the Planning Committee for Services to the Elderly. The motion carried unanimously.

#### Senior Center Advisory Committee

Commissioner Travis moved, seconded by Commissioner Jefferies to appoint Lottie Williamson, Betty Blackwell, Paulette Carter-Tate, Brenda Long, Patricia Thompson and Sandy Warren. The motion carried unanimously.

#### Renewal of Guilford Mills Lease Agreements

Mr. Howard stated "we currently had four organizations leasing spaces in the Guilford Mills building. Three of those, when we contacted them, want to renew for next year. Faith in Families has 2 offices over there. Solutions CSA have two offices and Treatment Works has 1 office."

Commissioner Lucas asked "What are these specifically?" Mr. Howard responded "Each one provides mental health services of some type." Commissioner Lucas continued "Are they local groups or are they individuals or what?" Chairman Hall responded "They are located here but they are based out of Burlington, Reidsville, Mebane..." Commissioner Lucas asked "So Faith in Families is from?" Mr. Howard responded "Faith in Families is based out of Reidsville, Solutions CSA is based out of Burlington, and Treatment Works is out of Reidsville."

Commissioner Lucas stated "It seems to me that the rent is very reasonable for commercial space." Chairman Hall responded "It is. Several years ago we met with the LME on this and one of the things that we agreed to was to make the rent more reasonable so we could get more services in Caswell County." Commissioner Lucas continued "And they are funded through?" Chairman Hall responded "However through state contracts, most of them are probably through Medicaid or Medicare. Some of them are probably paid through private insurance." Commissioner Lucas asked "Do we need to increase the rent?" Mr. Howard responded "No ma'am, last year we did a study to see what others were charging for a similar space and we were in line with the other places in the county and Yanceyville."

Commissioner Travis moved, seconded by Commissioner Williamson to approve the renewal of the Guilford Mills lease agreements. The motion carried unanimously.

#### FACILITY USE PLAN

Chairman Hall stated "This is a plan that we had asked the County Manager to get back to us and here we are. We will start with the first section. 1.0 questions or comments? One comment Mr. Manager in the middle where it says 'The Board of Commissioners reserves the right, under extraordinary circumstances, to pre-empt or cancel meetings...' I think we need to take

'extraordinary' out of that sentence. Questions or comments on 2.0? Let's go to 3.0 any questions or comments? I have a question Mr. Manager on 3.2 'Commercial or Business Use Prohibited.' Why is that?" Mr. Howard responded "We were thinking that most public building should be available to the public and non-profits and not make it available for commercial uses." Mr. Ferrell added "There is a private endearment in the constitution that says that you are not supposed to use public resources for private benefit essentially and the notion here is that you are allowing the county's facilities strictly for profit venture you are using a public taxpayer facility for the benefit of a private for profit entity you will get into the problem of a taxpayer subsidize in a way because these rental rates aren't true cost recovery in a lot of these instances. They can go and use a private facility is the bottom line. These facilities are public facilities for public benefit. The general purpose of public facility for private use is not what this is used for." Mr. Howard stated "This policy does not allow for private entities to come in for private gain but it does allow for private entities to come in for private parties."

Chairman Hall stated "4.0 Facilities Covered Under Policy. I have a question Mr. Manager on 4.2 on Use Category 3 'Facility may be used only by County Departments, or with written permission by Department Head.' I am not comfortable with the Department Head part, I think if we are going to do that it should be the County Manager. That is just my thinking." Mr. Howard responded "What that would apply to would be one of the small conference rooms in one of the buildings CATS. They have a training room in their building that seats maybe 15 people. If a county department wanted to use that space, since the CATS director would be the person that schedules that space she would if that would be available or not. This would be limited to facilities with a limited use. If we were to change it to county manager it would not matter one way or the other." Chairman Hall stated "I can live with that. 4.3 'Priority of Use' How did we come up with the Schools coming in as number 2?" Mr. Howard responded "It is because of the facilities they use now such as the recreation center, tennis courts, and some of the alternative classes use the gym in the afternoons. They don't have to walk across the street to the high school, they can use our facility." Chairman Hall asked "Do they pay?" Mr. Howard responded "No sir." Chairman Hall continued "Will they pay?" Mr. Howard responded "Under this everybody will pay if it is not a county department." Chairman Hall asked "If they are going to pay why prioritize them?" Mr. Howard responded "It was just a way to try to decide who would have preference over someone else. This is ultimately up to the Board you can change this around." Chairman Hall stated "I don't have any strong feelings."

Chairman Hall asked "Any questions or comments on 5.0 Rules for Use of Facilities?" Mr. Howard asked "Can I go back? There is also a provision if the School System provides things for free we would provide things for free, a mutual agreement." Chairman Hall responded "When we use facilities of theirs they charge us." Mr. Howard responded "When we get to that we will talk about it." Chairman Hall asked "They do charge us right?" Mr. Howard responded "Yes sir." Chairman Hall stated "Okay were are at 5.0, any questions or comments? So everybody likes this except me? Okay 5.1 v. c. That only takes into account the first floor so that leaves out the jury room?" Mr. Howard responded "Yes sir. This section of the policy was based on some discussions we were having with the courthouse security and what is coming down with that."

Chairman Hall asked "5.2? Does everybody like 5.2? I have one comment on that one too. On 5.2 iii. 'Tobacco use, including smoking, chewing, etc.' does that apply to employees? Mr. Howard responded "Yes sir." Chairman Hall continued "Okay so if we vote on that it will cut out chewing and spitting." Mr. Howard responded "In county buildings." Commissioner Lucas stated "I thought that was already in the policy." Chairman Hall responded "It may be but I see a lot of chewing and spitting going on."

Commissioner Carter asked "On 5.2 ii. 'Selling food, concessions, or merchandise on County property,...what about the hoedown?" Mr. Howard responded "We give special permission for events like that. They just have to ask for permission before hand." Commissioner Carter continued "This tobacco chewing is that inside, outside, all county facilities?" Mr. Howard responded "Yes sir." Chairman Hall asked "Did all of you hear Mr. Carter's question. You can't go outside and stand on the stoop. What that will do with the people standing outside smoking I don't know." Commissioner Satterfield responded "You are not going to be able to enforce it." Chairman Hall stated "We will stop it if it is in the policy." Commissioner Satterfield asked "Who is going to enforce it?" Chairman Hall responded "We will. That is why we are talking this out so when we go to vote we know what is in the policy. "Commissioner Lucas asked "Are there designated smoking areas?" Commissioner Satterfield responded "I think so." Mr. Howard responded "Currently we follow the Health Department's regulation from 2 or 3 years ago where you have to be 50 feet of the building. I think this is correct but I will check but I think the Health Department's policy is there is no smoking allowed in the building or within 50 feet of the county building." Commissioner Carter asked "What about chewing?" Mr. Howard responded "I don't think it applies to the chewing. It is a little bit different from what you see for state buildings. Our policy is not as strict as the state policy is." Mr. Ferrell added "The state policy on smoking has evolved in the last couple of years. The counties have been given a much broader authority than what they used to have. There was some significant litigation about a decade ago about the county's ability to regulate smoking. Counties now have a much broader authority to regulate these things. I would have to look at your existing Health Department rules, which is how most counties implement these tobacco prohibitions, to be able to advise you on what that says but the Health Department's regulations are certainly enforceable with authority behind them as they list in the regulation. That is something that I can look at for you but I don't know what you current tobacco policy is."

Chairman Hall stated "It would be good to know before we vote. We understand we can't vote against state rules and we can't vote against the Health Department's rules. The General Assembly gave the Health Department that authority." Mr. Ferrell responded "They did but there are expanded authority for counties to regulate particularly smoking in county owned buildings and grounds. It used to be only health sensitive areas you could regulate the grounds outside. The Board may want a briefing on what your authority is in state law to regulate smoking. I can certainly bring that back to you but I am not prepared to do that tonight."

Chairman Hall asked "Anymore on 5.2?" Commissioner Carter responded "5.2 viii the animals on county property it says here 'Animals of any kind except service animals....sponsored program or ...' I am a little confused on the way it is worded." Chairman Hall stated "You can't bring your pets in county building." Commissioner Carter responded "It did not say in county buildings it said on county grounds." Mr. Howard stated "What this is saying is animals are

prohibited unless they are service animals or they are on a leash unless expressly prohibited by the building." Chairman Hall stated "I do recall a while back this was an issue with a citizen at the Hoedown. You have to have the animals on a leash when on county grounds."

Commissioner Satterfield asked "What about 5.2 vii. 'Weapons of any kind...' What is our policy now regarding weapons? I know you are not supposed to bring one in here is that correct?" Mr. Howard responded "That is correct." Commissioner Satterfield continued "Is that any county buildings? What about county grounds? What if I am talking a walk over at the park?" Mr. Howard responded "If this goes into effect it will affect the grounds." Commissioner Satterfield asked "So is not in effect now?" Mr. Howard responded "No sir, it is not policy now." Commissioner Satterfield continued "So if I go for a walk in the woods behind the Senior Center..." Chairman Hall stated "Let's get counsel to advise us on that because a state law just changed on taking weapons in state parks and it does permit it." Commissioner Satterfield responded "It does permit it now." Mr. Ferrell stated "This is another area that is changing and has been changing in the legislature in the last 2 years. I can get you can update on where the firearms issue is as it is evolving in the current legislative session if they don't get out of town before they do something about it." Chairman Hall responded "That will help us in the direction on where to go with these things. So counsel you will get back with us on this one too?" Mr. Ferrell responded "Yes sir."

Chairman Hall asked "5.3? 5.4? 5.5? I am a little concerned about 5.5 where it says 'Facility Operation Procedures. County Departments, with the approval of the County Manager, may establish procedures additional to those outlined...' I think that needs to cover what the possibilities are. It has to be based on a specific situation and I think it needs to rest with the county manager and not with the department head. I think it should say done by the county manager." Mr. Howard stated "The thought behind that section is the general procedures you have to follow when you want to come in and set up and what you have to do to clean up. This could be specific to each building. It is not whether you can use it or not but when you use it what you need to do. We will figure out some kind of language for that."

Chairman Hall asked "6.0? 6.4? Noise Levels. We need to figure out a way to define it. Does the county have a noise ordinance?" Mr. Howard responded "Yes sir and Yanceyville may have one as well."

Chairman Hall asked "7.0?" Commissioner Lucas asked "Under 7.6 Deposit. It says a deposit may be required. Who determines that?" Chairman Hall responded "It says 'as provided in fee schedule' we, as a Board, will decide that. So to answer your question, this Board."

Chairman Hall asked "8.0 Reservation and Cancellation Procedures. 9.0 County Buildings, Grounds and Parks Covered By Policy. One thing that I did not particularly like is See Attachment. I think it should be listed in the policy." Mr. Howard responded "They will be in the policy. At that time it was easier to do it separate than to insert it in there." Chairman Hall asked "Any questions on the 9.1 Attachment A?" Commissioner Lucas asked "Is Farmer Lake not a part of this policy?" Mr. Howard responded "It is under Ground and Parks, the next page. The Picnic Shelter is listed. I don't think we would rent out Farmer Lake as a whole." Chairman Hall asked "You listed it but what about the grounds?" Mr. Howard responded "I did not think

about the grounds but after what we had this weekend it should be listed as well." Chairman Hall asked "Under Attachment A Category 3 Facility may be used only by County Departments, or with written permission by Department Head. I have a problem with Department Head." Commissioner Jefferies responded "You can add in there with approval of the County Manager." Chairman Hall stated "We might have to come back to that before we vote on this."

Chairman Hall asked "Questions on Attachment B?"

Commissioner Lucas asked "Are these the current rates that we are using now?" Mr. Howard responded "No ma'am, some of these don't really have rates. We adjusted the rates based on where we feel they should be." Commissioner Lucas asked "What are we currently charging for this courtroom here?" Mr. Howard responded "\$50 for the first 2 hours and \$25.00 an hour for every hour after that." Commissioner Lucas continued "That is what we currently charge?" Chairman Hall stated "It would be helpful before we finalize these fees to be able to compare the fees with the current rates we are charging now." Commissioner Lucas asked "How often is this courtroom rented out annually?" Mr. Howard responded "8 or 9 times maybe depending on the time of the year and that is for weddings." Ms. Lucas asked "How many weddings typically are held here?" Mr. Howard responded "She typically schedules those."

Commissioner Jefferies asked "Is there anything in here that covers if they mess anything up?" Ms. Seamster responded "That will come out of the deposit they made. Whatever it takes to clean it up will be taken out of the deposit money." Mr. Howard added 'There is also a provision in here if they come in and damage something we can go through due process and charge them for that."

Chairman Hall stated "Okay we will to 10.0. Caswell County Parks and Recreation Department Facility Rental Fee Schedule." Mr. Howard responded "This is there because it is so involved compared to the other ones." Chairman Hall stated "Again if we have the fees as they are now and what the proposed changes are before we vote. There is one in here '\*\*\*The Parks and Recreation Director and staff will have the sole authority to decide what, if any, supervisory fee will be charged on a per case basis.' We need to make that decision." Mr. Howard responded "That is the way it is now but the thought behind this was if there is a fee charged it would be for after hours. If a facility is used after hours they would be expected to pay some type of staff fee." Chairman Hall stated "We need to make it clear there will be a supervisory fee and we will decide what that will be. And \*\*\* the Board probably needs to make a decision on this one as well. 'The Park and Recreation Director and staff may require that one (1) tennis court be left available for public use during any rental.' The Board needs to make a decision on that." Mr. Howard responded "We can discuss this in more detail but one of the reasons for that is if the School is using it they will need all 6 courts to have a tournament." Chairman Hall stated "For a tournament there will be no public use. We can make it clear that with the school or county all six courts will be used for that tournament but past that we need to make a decision. We will get the call if someone gets upset or Ms. Lucas will."

Chairman Hall stated "There are a couple items that the county manager will need to work on but be ready to finalize this at the next meeting."

# TOWN OF YANCEYVILLE/TOWN OF MILTON ISSUES Interlocal Agreements

Chairman Hall stated "I listed these out so we could start talking about them before we have our next joint meeting. Some of these things we have talked about and some of these things we have not. I will run through them quickly. On the Town of Yanceyville on the Collection of Taxes we have an agreement so I think we just need to update that agreement. For the Town of Milton we cannot find an agreement so we will need to reduce to writing what we currently do for them so we will have an agreement on record. Town of Yanceyville Animal Control. We have talked about it and I added the Town of Milton because they are incorporated also. On these two, general counsel, we have had some questions about whether or not the county should even talk about charging for animal control. We don't necessarily have to and I will say that to the commissioners but I think it is good to get this on the table so that each commissioner will know."

Mr. Ferrell stated "Charging a fee is certainly a policy question. I do recommend that any time you have intergovernmental cooperation providing a service for a municipality it be reduced to writing. There are specific requirements for interlocal agreements that we would need to make sure to incorporate here. To the extent that the county is providing these services we do need agreements in place. That is certainly my recommendation. I do know from experience, I have actually drafted one for another county, a county providing animal services to a town and in that instance there was a phased in cost recovery. They started at zero, maybe that is your situation now, and over time they phased in a cost recovery model so there is precedence certainly for a county providing those services and charging for them outside of Caswell. In any event no matter what you charge you need an agreement. It might be a zero sum dollar exchange or \$1.00 exchange but you need an agreement for any of these listed. I say the same for building inspections, animal control, and collection of taxes, all of those."

Chairman Hall stated "The first four we have kind of being doing. I wanted to get this on the table so we could talk about it as a Board before we meet with the towns. Whatever this Board decides to do whether it involves a fee or not we still need to get these in writing. We need to have a memorandum of understanding on each of them. The last two of these we have no entered into an agreement with the Town of Yanceyville but we are doing both of these. I have asked the county manager to get with the building inspector to try to get an estimate on how much is being done and if there are any fees that we need to be concerned about. I know during some of our discussions with the town there were some discussions about our inspections department doing some type of code enforcement so we need to think about that before we have further discussions with the town."

Commissioner Lucas asked "Did you say that our building inspector will be doing code enforcement for the Town of Yanceyville?" Chairman Hall responded "Yes but we will need to act on that." Commissioner Lucas continued "I was just a little concerned because I did not know he was doing code enforcement for the county." Commissioner Carter responded "The county planner does code enforcement for the county."

Commissioner Jefferies stated "The thing I want you to look at is the town pays taxes just like the county. The Town of Yanceyville and the Town of Milton pays town taxes and county taxes so why put this on them. If you are going to charge for building inspections then why not charge for the ambulance service too." Mr. Ferrell responded "There is a distinction in state law between mandated services that a county must provide to the entire county. For instance let's take law enforcement, a town would have the option of providing its own police force, etc and develop its own law enforcement ordinance but in the absence of that the county has the obligation to provide law enforcement services. I need to look at building inspections but the county's jurisdiction for its ordinances for instance you animal control ordinances stop at the municipal lines. So a county's animal control ordinance is only applicable to that portion of the county outside of an incorporated town. The town then has its own authority and ability to impose ordinances on its citizens independent from whatever the county does. It is the benefit of being a town or organizing as a town. They have their own independent authority such as regulating animal control. Now the reality is in some towns it is just not practical or cost effective for a small town to have its own animal control staff when the county has a sufficient enough staff to provide the services to the town. But essentially the county is enforcing the town's ordinance and not the county's ordinance in my view you need the authority delegated from that town to enforce their ordinance. Otherwise the authority that we have that stops at the municipal line is questionable. If the town gives it to us then I am okay with our animal control folks enforcing town ordinances for the town. If they don't give us that authority I have questions about whether or not we are able to do things like that. Again the cost is a policy issue. I would like to make sure that we are legally able to do the things that we may already be doing whether or not you are charging for those services."

Commissioner Travis stated "On building inspections you have to buy a permit to build anything. It looks like to me that the county would be losing money if this changes." Mr. Howard responded "This one is not talking about building permits. It is talking about minimum housing code violations. We don't have this code with the county but they do have one in the town. This is for if they want us to do the inspections for the minimum housing code violations." Commissioner Travis asked "Why are we considering this?" Chairman Hall responded "Because they requested it." Commissioner Carter stated "It is my understanding that the town manager does code enforcement." Commissioner Travis stated "Well if we don't have the authority to do this in the towns then we need to quit doing it." Mr. Ferrell responded "I completely agree with that." Commissioner Williamson asked "Are we doing this?" Chairman Hall responded "I don't know. I asked the county manager to check with the building inspector. I know our inspector received a phone call to check a house to see if it met the minimum housing codes." Mr. Ferrell stated "Building inspections might be one of these, the authority for that is a state run code so in this process I would look into to the extent the state is delegating to a county inspector these enforcement but what you are talking about is we are enforcing the town's minimum code I think at the very least we need authority from the town to do that if nothing else. If we are saying we have nothing on paper that would be an issue for me." Commissioner Travis stated "We also need this from Milton as well." Chairman Hall responded "If they have it."

Commissioner Travis stated "Well from what you are saying the county rules on animal control could be different from the towns. That is another thing is we are going to provide the service we need an agreement with the towns as well." Mr. Howard stated "That is where we need to

know what rules we are enforcing. Are we enforcing our rules or their rules?" Commissioner Travis continued "The main thing is to get authority from the town to do these services." Mr. Howard responded "Correct."

Commissioner Travis stated "I would suggest that the county attorney and the county manager work with the towns to work up papers on what services we are going to be providing. Legally we need this stuff on paper what we can do and what we can't do." Commissioner Jefferies asked "Do we want to spend money to do this? If the attorney works on this we have to pay him to work on this." Commissioner Travis responded "If we do this work and it is not legal we can be sued."

Chairman Hall stated "I guess the question Mr. Jefferies is raising is do we want to do this. That is why I wanted to get this on the table so when we meet with the towns they need to tell us. We won't be blindsided we will have thought about this. We don't have to make a decision tonight but we do need to be aware of this."

# Yanceyville Municipal Parking Lot Lease

Mr. Howard stated "You asked me to get some information on parking lot lease. I talked with the town manager about leasing the parking lot and he did say that the town would agree to the initial criteria that we had before. The \$2500 a year for the parking lot lease."

## Code Enforcement Agreement

Mr. Howard stated "What he told me was they had money in their next year's budget for code enforcement but they have not contracting with any particular contractor yet. If we are interested in doing that they have some extra money set aside to go towards that. It is up for discussion."

Chairman Hall asked "So when we have our next meeting we will include all of these items?" Mr. Howard responded "Yes sir."

# <u>COUNTY MANAGER'S REPORT</u> Pelham Industrial Park Water/Sewer Update

Mr. Howard stated "The water tank is on line providing fire protection. The fire department has been made aware of this. In the next two weeks we will be finished with the designs to the upgrades to the water pump station up there so we can increase water pressure to the park. That is coming up very quickly and then the sewer project will be after that."

# Tennis Courts Update

Mr. Howard stated "They have been paved and the fencing has been put up. They will be coming back for the painting and stripping of the courts."

#### Courthouse HVAC

Mr. Howard stated "We discussed the need to have an engineer for that project. I received a cost estimate from one engineering firm. Their proposal is about \$100,000 to design and for observation on the construction of that project. I started looking around for an alternate way to do that. Brian and I discussed, several years ago you may remember we had a group come in and they were looking at financing some new construction projects to reduce energy use, they made a proposal to the school system and they made a proposal to this Board that was very early in the process. The state now has a formal process for this. They have an approve list of companies that come in and do this type of work. My suggestion is to look at doing this with the project. We could look at doing this with other county buildings as well. The companies in the proposals guarantee the savings in the project and those savings are applied to the payback of that loan. So the loan is based on energy savings and cost savings for that. I would like to know if this is something you would like for me to move forward on to get more information on for that process."

Chairman Hall stated "I would certainly think we would like more information on this. I think we would like to assign this to the maintenance director or planning director."

# Farmer Lake Make It Happen! Grant

Mr. Howard stated "This was a grant you approved 2 or 3 weeks ago for the kayaks. We received that grant so within the next few weeks we will be making that purchase and making those accessible on the lake."

Commissioner Lucas asked "On the Industrial Park Water Tank, the problem we had, I may have asked you this question before but I have reason to question it again, the hole that was reported we did not pay to have that repaired is that correct?" Mr. Howard responded "We did not. That was an error on the contractor." Commissioner Lucas continued "Do you know the cost to do that?" Mr. Howard responded "I can get that. It was not a major issue." Commissioner Lucas asked "But we had to empty it and refill it, is that correct?" Mr. Howard responded "Yes ma'am."

Commissioner Lucas asked "On the courthouse heating and air will you get back with us on that?" Mr. Howard responded "Yes ma'am. I will have something for you at the next meeting." Chairman Hall asked "Did I hear the next meeting?" Mr. Howard responded "Yes sir. I will have laid out for you how the state plan works. Information in your packets on the state plan."

Chairman Hall stated "Will Recreation and the Lake Authority get together on some policies for the kayaks and canoes?" Mr. Howard responded "Yes sir." Chairman Hall asked "How soon will that be taking place?" Mr. Howard responded "End of this year or first of next week." Chairman Hall stated "I will take this time to report to my fellow commissioners that the Dan River Basin Association has a function at the lake Saturday called River Days. They had canoes and kayaks and quite a few things going on however the canoes and kayaks were the big part of the day. Most of the kids that were out there really enjoyed it and they had a great time. I think this is going to be a good addition for recreation for the county."

#### ANNOUNCEMENTS AND UPCOMING EVENTS

- A. Joint Meeting w/Town of Milton, Town of Yanceyville and Board of Commissioners July 12, 2012 @ 7:00 p.m. at The Thomas Day House
- B. NACo Annual Conference in Pittsburgh July 13-17, 2012
- C. Farmer Lake Board Cook Out July 17, 2012 @ 6:00 p.m.
- D. NCACC Annual Conference at Raleigh Convention Center August 16 19, 2012

## **CLOSED SESSION**

Commissioner Travis moved, seconded by Commissioner Jefferies that the Board enter into Closed Session to discuss matters relating to economic development (NCGS 143-318.11(a)(4)). The motion carried unanimously.

## **REGULAR SESSION**

Commissioner Jefferies moved, seconded by Commissioner Travis to resume regular session. The motion carried unanimously.

## **ANNOUNCEMENTS**

Commissioner Carter announced that Greens Fuel closed its doors.

Commissioner Lucas informed the Board that Senator Gunn decided to withdraw the resolution sent to Raleigh on the water intake. She also mentioned that she had called Representative Faison 6 or 7 times with no response.

## **ADJOURNMENT**

At 8:28 p.m. Commissioner Travis moved, seconded by Commissioner Jefferies to adjourn	. The
motion carried unanimously.	

Paula P. Seamster	Nathaniel Hall
Clerk to the Board	Chairman